

## **REMARKS**

### **Response to Double Patenting Rejection**

As noted above and regarding paragraphs 2-5 of the Office Action, Applicants have included a terminal disclaimer in compliance with 37 CFR 1.131(c) and a Declaration of Common Ownership in Appendix A, in addition to a fee set forth in 37 CFR 1.20(d) to overcome the rejection based on nonstatutory double patenting.

### **Response to Claim Rejections Under 35 U.S.C. § 102(e)**

Applicants have amended the claims to overcome the rejections under 35 U.S.C. § 102(e) presented by the Office. In addition to minor clarifying language, applicants have amended independent claims 1, 24 and 50 to include the primary limitations from dependent claim 4 which, according to the Office Action would be allowable if rewritten in independent form. Applicants contend that, based on the claim amendments, there are patentably distinguishable claimed features between the invention represented by applicants' claims and the cited reference disclosure of Wheeler et al (U.S. Patent No. 6,738,759).

## **SUMMARY**

As discussed above, the terminal disclaimer and Declaration of Common Ownership found in Appendix A should traverse the double patenting rejection. The rejections of claims 1-52, as amended, under 35 U.S.C. § 102(e) are no longer supported by the Wheeler reference cited by the Office. Reconsideration and further examination are requested.

Applicants have made a diligent effort to place the claims in condition for allowance. However, should there remain unresolved issues that require adverse action, it is

requested that the Examiner telephone Douglas D. Russell, Applicants' Attorney at 512-338-4601 so that such issues may be resolved as expeditiously as possible.

For these reasons, and in view of the above amendments, this application is now considered to be in condition for allowance and such action is earnestly solicited.

Respectfully Submitted,

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Date

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**APPENDIX A**

### **Declaration of Common Ownership**

U.S. Patent Application No. 10/618,840 and U.S. Patent No. 6,829,606 (U.S. Patent Application No. 10/365,828) were, at the time the invention of U.S. Application No. 10/618,840 was made, owned by or subject to an obligation of assignment to the same entity, namely Infoglide Software Corporation (formerly Infoglide Corporation) of Austin, Texas. The corresponding assignment documents for U.S. Patent Application No. 10/618,840 and U.S. Patent No. 6,829,606 (U.S. Patent Application No. 10/365,828) are recorded in the U.S. Patent Office.

March 9, 2007  
Date

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